

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

RICHARD SERVILLO,

Plaintiff,

v.

Case No. 2:20-cv-130-JLB-NPM

SOLA MEDI SPA, LLC,

Defendant.

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**ORDER**

Before the Court is Defendant Sola Medi Spa, LLC's motion for reopening the evidentiary hearing (Doc. 19) filed by "sole employee" Tricia Tobias. On May 3, 2021, the Court held an evidentiary hearing to determine the amount of damages to be awarded in this case. Defendant failed to appear.

Defendant, an LLC, can only appear and be heard in this matter through counsel. *S.E.C. v. Merchant Capital, LLC*, 486 Fed. App'x. 93, 94 n.1 (11th Cir. 2012) (citing *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985)) ("[A] business organization cannot appear pro se and must be represented by counsel."); *see* M.D. Fla. R. 2.02(b)(2). Also, the motion lacks authority or a basis for the request, and it lacks a good faith conferral certification. *See* M.D. Fla. R. 3.01(a), (g). Therefore, the motion (Doc. 19) is **DENIED**.

**DONE** and **ORDERED** in Fort Myers, Florida on May 3, 2021.

  
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NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE